

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

SHERMAN RICHARD HILDEBRANT,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:13-CV-358-Y
	§	
RICK THALER,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS AND,  
TRANSFERRING CASE TO THE  
UNITED STATE COURTS OF APPEALS FOR THE FIFTH CIRCUIT

In this action brought by petitioner Sherman Richard Hildebrant challenging his state-court conviction under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 3, 2013; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 30, 2013.<sup>1</sup>

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be transferred to the United States Court of Appeals for the Fifth Circuit, for the reasons stated by the magistrate judge.

Therefore the findings, conclusions and recommendation of the

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<sup>1</sup>The document filed May 30, 2013, is entitled "Answer to United States Magistrate Judge's Findings, Conclusions and Recommendation." The Court has reviewed this document as written objections to the magistrate judge's report.

magistrate judge are ADOPTED.

Sherman Richard Hildebrant's petition for writ of habeas corpus under § 2254 is TRANSFERRED to the United States Court of Appeals for the Fifth Circuit.

June 5, 2013.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE